

MANDATE

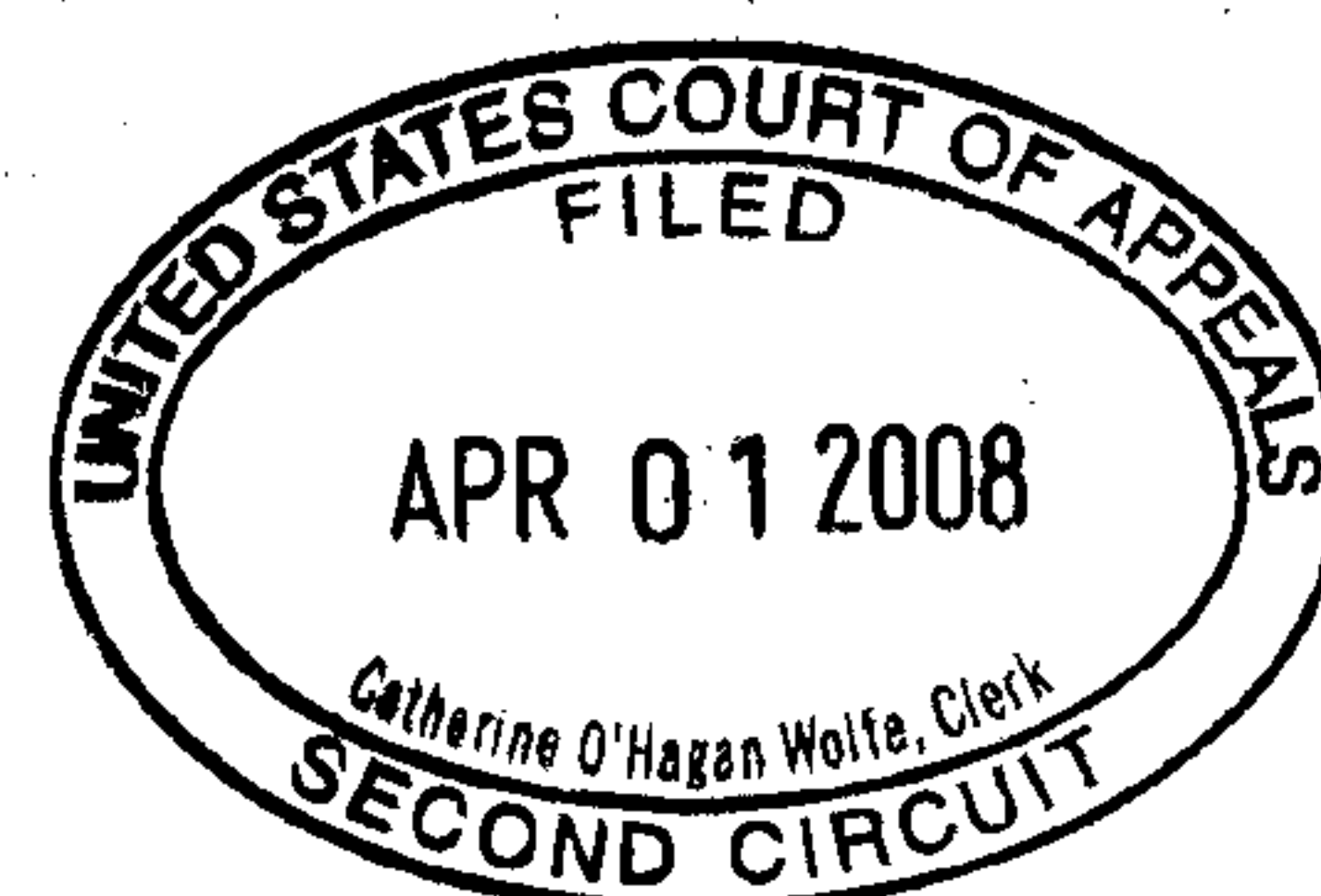
S.D.N.Y.-N.Y.C.
08-cv-1168
Wood, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 1st day of April, two thousand eight,

Present:

Hon. Joseph M. McLaughlin,
Hon. Chester J. Straub,
Hon. Rosemary S. Pooler,
Circuit Judges.



William John Nelson,
Petitioner,

v.

08-0749-op

James Walsh,
Respondent.

William John Nelson,
Petitioner-Appellant,

v.

08-1041-pr

James Walsh,
Respondent-Appellee.

Petitioner, *pro se*, requests an order authorizing the United States District Court for the Southern District of New York to consider a second or successive 28 U.S.C. § 2254 petition. Upon due consideration, it is hereby ORDERED that the application is DENIED because Petitioner has not satisfied the criteria set forth in 28 U.S.C. § 2244(b) and, even if considered pursuant to pre-Anti-Terrorism and Effective Death Penalty Act law, the proposed petition does not present grounds that

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ISSUED AS MANDATE: 04/22/08

would permit the district court to grant relief, *see McCleskey v. Zant*, 499 U.S. 467, 493-94 (1991). Additionally, Petitioner has also filed a notice of appeal of the transfer order, resulting in the proceeding docketed under 08-1041-pr. Upon due consideration, it is hereby ORDERED that the two appeals are consolidated and the appeal docketed under 08-1041-pr is DISMISSED for lack of appellate jurisdiction. *See Murphy v. Reid*, 332 F.3d 82, 83-85 (2d Cir. 2003) (holding that transfer orders are not immediately appealable under 28 U.S.C. § 1291 or the collateral order doctrine).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: 

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by 